

IV. Remarks/Arguments

This preliminary amendment is submitted in the above continuation application for the purpose of canceling original claims 1-40 in favor of new claims 41-47 drawn to the embodiment of Figs. 3 and 4 and new claims 48-55 drawn to the embodiment of Figs. 5 and 6. Inasmuch as new independent claims 41 and 48 are allowable for the reasons indicated below, it is requested that all claims now presented be permitted to issue.

The Ide patent (U.S. No. 5,425,584), which was cited and applied to the claims in the above parent application, is not applicable to new independent claim 41 for the following reasons.

New claim 41 recites a bearing assembly for a rotor and including a cage member surrounding the rotor; a housing member surrounding the cage member, and at least one axially-extending groove formed in the housing member to form a cantilevered portion extending between the groove and the corresponding surface of the cage member.

The PTO provides in MPEP §2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 41, to sustain this rejection the Ide patent must contain all of the above claimed elements of the claim. However, this patent does not disclose a cage member surrounding the rotor; a housing member surrounding the cage member; and at least one axially-extending groove formed in the housing member to form a cantilevered portion extending between the groove and the corresponding surface of the cage member.

It thus follows that the previous rejection in the parent application based on 35 U.S.C. §102(b) cannot be not supported by the Ide reference as applied to new claim 41.

It is also submitted that the Ide patent is not applicable to new independent claim 48 for the following reasons.

New claim 48 recites a bearing assembly for a rotor that includes a cage member surrounding the rotor; a housing member surrounding the cage member, at least one axially-extending groove formed in the cage member to form a cantilevered portion extending between the groove and the corresponding surface of the housing member, and at least one axially-extending groove formed in the housing member to form a cantilevered portion extending between the groove and the corresponding surface of the cage member.

As stated above, the PTO provides in MPEP §2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 48, to sustain this rejection the Ide patent must contain all of the above claimed elements of the claim. However, this patent does not disclose a bearing assembly consisting of a cage member surrounding the rotor; a housing member surrounding the cage member; at least one axially-extending groove formed in the cage member to form a cantilevered portion extending between the groove and the corresponding surface of the housing member; and at least one axially-extending groove formed in the housing member to form a cantilevered portion extending between the groove and the corresponding surface of the cage member.


It thus follows that the previous rejection in the parent application based on 35 U.S.C. §102(b) cannot be not supported by the Ide reference as applied to new claim 48.

Dependent claims 42-47 and claims 49-55 further limit independent claims 41 and 48, respectively in a patentable sense and, for the reasons indicated above, are also deemed to be in condition for allowance.

Should the Examiner have any questions or comments regarding the amendment, the Examiner is invited to telephone the undersigned at the number listed below.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the papers submitted herewith or to credit any overpayment to Deposit Account No. 08-1394.

Respectfully submitted,

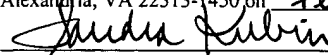

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